

00862.022793.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: G. Garcia
KAZUYUKI MASUMOTO et al.	)	
	:	Group Art Unit: 2627
Application No.: 10/785,012	)	
	:	Confirmation No.: 9716
Filed: February 25, 2004	)	
	:	
For: PRINTING APPARATUS,	)	
CONTROL METHOD	:	
THEREFOR, AND STORAGE	)	
MEDIUM	:	June 1, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated May 1, 2007, Applicants provisionally elect Species III, namely, Claims 2, 3 to 6, 10 and 11 to 14.

However, Applicants respectfully traverse the requirement to elect. An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. However, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

Even if Species I, II and III are considered to be independent or distinct inventions, which Applicants do not admit to be the case, the search and examination of all pending claims of Species I, II and III can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Species I, II and III are all directed to the field of art concerning photo-direct printers. Accordingly, Applicants respectfully submit that concurrent search and examination of all claims of Species I, II and III can be made without serious burden.

Based on the foregoing remarks, Applicants respectfully submit that the election requirement is improper and therefore request reconsideration and withdrawal of the election requirement, and the concurrent examination of all currently-pending claims of Species I, II and III.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire, Reg. #42,419/

Frank L. Cire

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